

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL CERDA-GUILLEN,

Defendant.

8:16CR366

ORDER

This matter is before the Court on the pro se motion (Filing No. 92) of defendant Gabriel Cerda-Guillen (“Cerda-Guillen”) again seeking a reduction of his sentence under Title 18 U.S.C. § 3582(c)(2) and Amendment 821 of the Sentencing Guidelines, and appointment of counsel.

Cerda-Guillen previously filed a pro se motion seeking the same relief (Filing No. 87). That motion was handled pursuant to General Order 2023-09 (Filing No. 88) which required the district’s probation department to prepare a worksheet and determine Cerda-Guillen’s eligibility, and at the same time appointed counsel for him. An order was entered on September 24, 2024 (Filing No. 91) denying the motion, explaining that because he received an aggravated role adjustment (U.S.S.G. § 3B1.1) at sentencing, Cerda-Guillen was ineligible for Amendment 821 relief (U.S.S.G. § 4C1.1(a)(10)). (See Filing Nos. 89 and 90). The order also granted counsel’s motion to withdraw.

Cerda-Guillen now seeks the same relief and requests appointment of counsel (Filing No. 92). The motion is denied.

IT IS SO ORDERED

Dated this 24th day of October 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge